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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,475	07/22/2003	Hotaka Takeuchi	09613/000M946-US0	9102
7278	7590	07/22/2004	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			HASAN, MOHAMMED A	
			ART UNIT	PAPER NUMBER
			2873	

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/625,475	Applicant(s) TAKEUCHI, HOTAKA	
	Examiner Mohammed Hasan	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 8, and 11 - 15 is/are rejected.
- 7) ☒ Claim(s) 9, 10, and 16 - 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/22/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt of acknowledged of papers submitted under 35 U.S.C. 119 (a) – (d), which papers have placed of record in the file.

Oath/Declaration

2. Oath and declaration filed on 7/22/2004 is accepted.

Information Disclosure Statement

3. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 7/22/2003 have all been considered and made of record (note the attached copy of form PTO – 1449).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 8, and 11 - 15 are rejected under 35 U.S.C. 102 (e) as being anticipated by Mihara (US 2003/0214726 A1).

Regarding claim 1, Mihara discloses (refer to figure 1) a first lens unit G1 having a negative refractive power as whole, a second lens unit G2 having a negative power as a whole, and a third lens unit G3 having a positive refractive power as a whole, and a third lens group G3 having a positive refractive power as a whole, arranged in order from an object side to image side, for zooming from a wide angle end to a telephoto end by means moving of moving third lens group G3 from image plane side to objection side as well as for correcting image plane side as well as for correcting image plane changes required in accordance with zooming by moving second lens group G2, wherein first lens group consisting of a lens having a negative refractive power and a prism for changing a light path arranged in order from the object side (paragraphs 0278 – 0289) .

Regarding claim 2, Mihara discloses (refer to figure 1) the second lens group G2 having a negative refractive power (L_{21}), and an aperture stop S is provided between second lens group G2 and third lens group G3.

Regarding claim 3, Mihara discloses, wherein the first lens group has an aspherical surface (paragraph 0294).

Regarding claim 4, Mihara discloses, an aspherical surface is formed on a surface with a smaller curvature radius (paragraph 0294).

Regarding claim 5, Mihara discloses, an aspherical surface is formed to have a weaker negative refractive power weakening toward its periphery (paragraph 0294).

Regarding claim 6, Mihara discloses (refer to figure 1) the third lens group G3 at least one lens L3₁ with a positive refractive power and at least one lens L3₂ negative refractive power .

Regarding claim 7, Mihara discloses, the third lens group G3 has a lens at a position closest to the object having a positive refractive power and an aspherical surface at least one side (paragraph 0294).

Regarding claim 8, Mihara discloses, the prism (R1) of first lens group is formed to have an entrance surface and an exit surface both oblong in a direction perpendicular to a plane that includes an entrance axis and an exit axis (paragraph 0281).

Regarding claim 11, Mihara discloses, the first lens groups (G1) lens has an aspheric surface (paragraph 0294).

Regarding claim 12, Mihara discloses, the third lens group (G3) at least have one lens with a positive refractive power and at least one lens with a negative power.

Regarding claim 13, Mihara discloses (refer to figure 1) the third lens group G3 at least one lens L3₁ with a positive refractive power and at least one lens L3₂ negative refractive power.

Regarding claim 14, Mihara discloses, the prism (R1) of first lens group is formed to have an entrance surface and an exit surface both oblong in a direction perpendicular to a plane that includes an entrance axis and an exit axis (paragraph 0281).

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Regarding claim 15, Mihara discloses, the prism (R1) of first lens group is formed to have an entrance surface and an exit surface both oblong in a direction perpendicular to a plane that includes an entrance axis and an exit axis (paragraph 0281).

Allowable Subject Matter

5. Claims 9, 10, and 16 – 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to show $.25 < |f_w / f_1| < .07$, $v_1 > 40$ where f_1 focal length of the first lens group, f_w focal length of the total lens system at the wide angle end, v_1 Abbe number of the first lens group's lens, $.1 < f_3 / |f_2| < .8$, where f_2 focal length of the second lens group.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The closest prior art

Amanai (US 2003/0179464 A1) discloses an electronic imaging device having a zooming optical system.

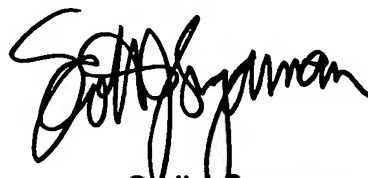
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272- 2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MH
July 15, 2004



Scott J. Sugarman
Primary Examiner